

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUANA LEONOR,

Plaintiff,

Docket No.

-against-

COSTCO WHOLESALE CORPORATION,

Defendant.

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NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK:

Defendant, Costco Wholesale Corporation, for the removal of this action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York, respectfully shows this Honorable Court:

FIRST: Costco is a defendant in a civil action brought against it in the Supreme Court of the State of New York, County of New York, entitled:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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JUANA LEONOR,

Index No. 153197/2023

Plaintiff,

-against-

COSTCO WHOLESALE CORPORATION,

Defendant.

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SECOND: A copy of the Summons and Verified Complaint in this action is annexed hereto as **Exhibit “A”**. A copy of Costco’s Verified Answer is annexed hereto as **Exhibit “B”**. These exhibits constitute all pleadings served upon any party in this action.

THIRD: A Preliminary Conference Order was generated on August 3, 2023. A copy of the Preliminary Conference Order is annexed hereto as **Exhibit "C"**.

FOURTH: Following the Preliminary Conference, on August 3, 2023, Plaintiff's counsel advised by email and in response to Costco's Demand Pursuant to CPLR § 3017(c) that Plaintiff's claim for damages exceeds \$75,000. A copy of the email correspondence is attached hereto as **Exhibit "D"**. Accordingly, it is clear that the amount of controversy in this matter exceeds \$75,000, exclusive of interests and costs.

FIFTH: Less than thirty (30) days have passed since Costco received the email from Plaintiff's counsel regarding the claim for damages.

SIXTH: This action is one over which this Court has original jurisdiction under the provisions of Title 28, United States Code, Section 1332, and is one which may be removed to this Court by defendant Costco, pursuant to the provisions of Title 28 United States Code, Section 1441, in that: it is a civil action brought in a Supreme Court of the State of New York, by a citizen of the State of New York, against a foreign corporation whose principal place of business is outside of the State of New York; and the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

[Continued on the following page.]

WHEREFORE, the defendant, Costco Wholesale Corporation, prays that the above action now pending against it in the Supreme Court of the State of New York, County of New York, be removed from there to this Court.

Dated: New York, New York
August 15, 2023

CONNELL FOLEY LLP



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